

II. AMENDMENT OF THE CLAIMS

- **Format of this Response:**

This response is submitted in compliance with the revised format for making amendments to the specification, claims and drawings officially adopted by the USPTO on July 30, 2003, and which is now reflected in 37 C.F.R. §1.121.

If a substitute specification is submitted herein, a clean form and marked-up version are included. Amendments to drawings, if any, are submitted in compliance with 37 C.F.R. §1.84 on replacement sheets as an attachment to this document (with an accompanying detailed explanation of all of the changes with respect to the drawings made in the remarks section of this amendment.

COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE OFFICE AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN

In accord with such regulation, the listing of claims set forth below replaces all prior versions, and listings, of claims in the application:

**--CLAIMS AS PENDING IN THE APPLICATION WITH AMENDMENTS MADE HEREIN
START ON NEXT PAGE--**

1. **(CURRENTLY AMENDED)** An IC card comprising a substrate, said substrate having a semiconductor integrated circuit and one or more deformable or deformation-derived optical data deformations incorporated therein that are representative of digital data; the deformable data being associated with a transient optical state change security material.

2. - 3. **(CANCELLED)**

4. **(CURRENTLY AMENDED)** The IC card of claim [[3]] 1 wherein the transient optical state change security material is associated with the deformable or deformation-derived optical data deformations to form transient optical state change data deformations in such a manner as to provide at least two optical data reads when the optical data deformations are read by an optical reader.

5. **(ORIGINAL)** The IC card of claim 4 wherein each of the optical data reads is indicative of valid data.

6. **(ORIGINAL)** The IC card of claim 4 wherein one optical data read is indicative of valid data, while the other optical data read is indicative of invalid data.

7. **(CURRENTLY AMENDED)** The IC card of claim 4 wherein each of the optical data reads ~~[[in]]~~ is invalid.

8. **(CURRENTLY AMENDED)** The IC card of claim 4 wherein the deformable or deformation-derived optical data deformations comprise pits and lands.

9. **(ORIGINAL)** The IC card of claim 8 wherein said pits comprise pits of two distinctly different depths.

10. **(CURRENTLY AMENDED)** The IC card of claim 8 wherein at least one ~~or more pits~~ pit acts as a Fabry-Perot type interferometer ~~interferometers~~.

11. **(CURRENTLY AMENDED)** A method for authenticating an item comprising the steps of: (a) detecting on an item, or an substrate associated with the item, a transient

optical state security change material associated with deformable optical data, (b) determining the locations of ~~where~~ ~~which~~ such materials are located on the authentic item or substrate associated with the item, and (c) declaring the item as authentic when such detection of an optical deformation occurs and the transient optical state security change material is found at the same locations as an authentic item.

12. (CURRENTLY AMENDED) The method of claim 11 wherein the transient optical state security change material is associated with an optical data deformation in a manner to change the optical read of such deformation between at least two or more optical states when such optical deformations are read by an optical reader.

13. (NEW) The method of claim 11 wherein the optical data change is transient as the transient optical state security change material reverts back from an optical state to an initial optical state within a time interval.

14. (NEW) The method of claim 12 wherein the optical deformations comprise pits of various depth so as to control reflectivity of the reader light.

15. (NEW) The method of claim 13 wherein the time interval between optical states may be predetermined.